

A MODERN REVIEW OF HINDU DHARMA

The term **Dharma** has been one of the most powerful and influential terms in Indian thought and society for several millennia, dating from Vedic times. Even today it is very influential at all levels of society and among all classes, castes, and creeds. However, there are diverse ways in which the term has been used. It stands for religious observance, righteousness, justice, conformity to law, conformity to custom, obedience to the social order, sense of duty, etc. Thus, it has religious, moral, ethical as well as legal significance. This is one of the important reasons why it is impossible to translate the term **Dharma** to any other non-Indian language. Kane writes: "That word has passed through several vicissitudes. The dictionaries set out various meanings of **Dharma** such as 'ordinance, usage, duty, right, justice, morality, virtue, religion, good works, function or characteristic.'"¹

The Source of Hindu Law

According to Manu, "The Vedas, the **Smṛiti**, the approved usage and what is agreeable to one's self (or good conscience), the wise have declared to be the quadruple direct evidence of **Dharma**" (M II:12).

Thus, there are four sources of law. But actually this reduces itself to two sources. The **śruti** contains very little law as such. On the other hand, the courts of law cannot take up "what is agreeable to one's self" as the basis of decisions when disputes are brought before them. It is too subjective. So the courts are actually left with two sources of law, namely, what is laid down in **smṛiti**, the **Dharmasastras**, and what constitutes the approved usage in the groups, the customs. These are the only two objective sources—the **Dharmasastras** which clearly lay

down the legal provisions and the other, what is actually being practised by the members of the group. In fact, Yājñavalkya lays down whatever customs, practices, and family usages prevail in a country shall be preserved intact..." (I:343). As Mulla points out, "In Hindu Law custom has the efficacy of law." "It is not merely an adjunct of ordinary law but a constituent part of it." Thus, the usage in a group is not only accepted as the social norm that is approved informally by the members of the group, as the correct behaviour under the circumstances; it can also be the basis of law to decide the problems that are taken to the court, custom, *acara* is also **dharma**. According to Manu, **dharma** is "that which is followed by those learned in the Vedas and what is approved by the conscience of the virtuous who are exempt from hatred and inordinate affection" (II:1). As Mulla points out, "The ancient law promulgated in the **Smṛitis** was essentially traditional and the injunction was that time-honoured institutions and immemorial customs should be preserved intact. The law was not to be found merely in the texts of the **Smṛitis**, but also in the practices and usages which had prevailed under it."² This is why Manu asserts: "Here the sacred law has been fully stated... and also the traditional practices and usages of the four **varnas**" (I:107). The **Vana Parva** of the **Mahabharata** states, **Dharma** has its origin in good practices and the Vedas are established in **dharma**" (27-107). The **Apastamba Dharma Sutra** begins: "We shall now propound the acts productive of merit which are sanctioned by tradition and current usage" (I: 1,1,1). Thus, the **Smṛitis** themselves are in part based on immemorial customs. As a result, Mulla observes: "The importance attached to the law-creating efficacy of custom in Hindu jurisprudence was so great that the exponents of law were unanimous in accepting custom as itself a constituent part of the law."³ The efficacy of custom is clarified by Davala: "If any usage required by utility is established in a locality (which is contrary to the written text of law), it should be practised therein only, but not in any other district. Whatever customary law is prevalent in a district, in a city, in a town or in a village or among the learned, the said law (though contrary to the **Smṛitis**) must not be disturbed."

This ancient attitude toward custom must have been necessitated by the diversity of usage in various parts of the country.

1. P. V. Kane, *History of Dharmasastras*, Vol. I, pt. 1 (Poona: Bhandarkar Oriental Research Institute, 2nd ed., 1968), see **Dharma**.

2. D. F. Mulla, *Principles of Hindu Law* (Bombay: Tripathi, 1959), p. 2.

3. *Ibid* P. 2.

A king who conquered a new area was required to respect the customs followed by the people of that area. It is this which led to a cherishing of the great social value of tolerance for usage and diversities in various styles of living and in beliefs. This is why Gautama (XI:19, 20) and Manu (VIII:41, 66) have laid down that one of the chief duties of the monarch is to administer justice according to local usage and written codes. Referring to the situation that may arise when there is a conflict between one text and another or between the text and custom, Narada asserted that the decision should be based on reason and supplemented by stating "custom is powerful and overrides the sacred law" (IV:40). Brihaspati (II:28) goes further and asks the judicial authority to recognize the local, tribal and family usages. This is why when new courts were established by the British in 19th century, it was accepted by the Privy Council and the Courts in India that custom can override any text of the *Smṛiti* Law.⁴

What are the essential attributes of a custom? Judicial decisions have laid down that a custom, to be recognized as having the force of law, must be ancient, observed by the group in question continuously without any interruption, and obligatory. However, it must not be immoral or opposed to public policy. According to a court decision in 1957, customs opposed to what is expressly forbidden by the legislature were also prohibited.

Development of the Concept of Dharma

The concept of dharma is very complex; it has had a long history which has undergone many changes. As Mees⁵ pointed out long ago, the ancient Indian concept of *dharma* is similar to the modern concept of "law." According to the dictionary, the term law means a body of enacted or customary rules, the controlling influence of rule, a binding injunction, one of the branches of study, the legal profession, the judicial remedy, something underlying natural phenomena. As Thakur points out, the ancient Hindus allowed *dharma* to stand for various things not because of their effort to name that all-embracing principle which would cover all aspects of human life.⁶ Broadly speaking then the concept of *dharma* stands for a "fundamental order" in social affairs and in moral life.

The original word which was used in the Rg Veda Samhita to mean a "fundamental order" is *Rta*. It stands for a "cosmic order" and it includes natural, religious and social phenomena. Its opposite is *anṛta*. *Rta* is a cosmic force and all natural phenomena are subject to its laws. When applied to *yajña*, the sacrificial offering to the gods, it stands for the due order of sacrifice. In the social field it applies to moral order. Thus the concept of *Rta* means harmony and order. Its opposite, *anṛta*, is that which is in opposition to this harmony and order in general. These concepts of *Rta* and *anṛta* show that there was an extremely well-developed moral consciousness already in the *Rig-Veda*. It is this concept of *Rta* which gave rise to two other powerful concepts in Hindu thought and behaviour, *dharma* and *karma*.

Like the concept of *dharma*, the concept of *karma* implies a uniform moral law governing the actions of men and also that rewards and punishments are appropriate to such actions. It suggests that every action will inevitably lead to its own consequences, good or bad, desirable or undesirable. It also implies that action has a "subtle potency" and determines a man's character. Thus, a man's thoughts, words and actions will influence his character, on the one hand, and will affect the circumstances in which he finds himself, on the other. Since right conduct will shape one's character and influence the circumstances in which he finds himself, it is clear that the law of *karma* is a special manifestation of *dharma* and provides an incentive to righteous conduct.

Change of Time and Change of Dharma.

A predominant idea in ancient Indian thought was "unity in diversity." This led to a recognition of the fact of social change. However, while accepting the need for change, the ancient Indian sages also advocated the need for preserving the continuity of tradition. An attempt was made to give expression to this reconciliation of tradition and change in the concepts of *Śruti* and *Smṛiti*. *Śruti* stands for the group of values derived from these principles finding their expression in the limited, temporary, and relative field of social life. This is why there is the saying in Sanskrit that the *Smṛitis* change while the *Śruti* remains. Another way of expressing this insight into human social life is the assertion that *Dharma* has two aspects, *sanātana dharma* which is permanent and eternal, and *yuga dharma* which is valid only for an age (temporary).

4. *Ibid* P. 64.

5. Cf. G. H. Mees, *Dharma and Society* (The Hague: 1935).

6. Cf. S. C. Thakur, *Christian and Hindu Ethics* (London: Allen and Unwin, 1969).

The *Smritis* themselves recognize this principle of social change. Manu says: "There is one set of *dharma*s for men in the *krita yuga*; a different set for each of the *treta*, *dvapara* and *kali yugas*; the *dharma*s change according to the change of the *yugas*" (I:85). As Radhakrishnan said, the Hindu view makes room for essential changes. There must be no violent break with social heredity, and yet the new stresses, conflicts and confusions will have to be faced and overcome; while the truths of spirit are permanent, the rules change from age to age.⁷

Swami Vivekananda said: "We know that, in our books, a clear distinction is made between two sets of truths. The one set is that which abides for ever, being built on the nature of man, the nature of the soul, and the soul's relation to God. The other set comprises the minor laws, which guide the working of our everyday life... They belong more properly to the *Purāṇas*, the *Smritis*, and not to the *Sruti*... Customs of one age, of one *yuga*, have not been the customs of another, and as *yuga* comes after *yuga*, they will still have change".⁸

Radhakrishnan draws further attention to the fact that the commentators on Hindu *Dharmasastras* have continually incorporated a number of changes during the last two thousand years. So he concludes: "Social flexibility has been the chief character of Hindu *Dharma*. To uphold *Sanatana Dharma* is not to stand still. It is to seize the vital principles and use them in modern life. All true growth preserves unity though change."⁹ The *Dharmasastras* elaborated the concept of *dharma* as constituting the distinctive duties of the four *varnas* and the four *asramas*, so that the term *varnasrama dharma* has been looked upon as the *sanatana dharma*, the eternal, perpetual, permanent and everlasting duty of man. Speaking very broadly, it may be said that this is the meaning of the term *dharma* as it was generally used for over two thousand years.

However, as Dandekar writes:

Actually, the concept of *dharma* is all-comprehensive and may be, broadly speaking, said to comprise precepts which aim at securing the material and spiritual sustenance and growth of the individual and society. Another significant characteristic of *dharma* which deserves to be specially noted is that it was regarded as not being static. The content of *dharma* often

7. S. Radhakrishnan, *Religion and Society*, (London: Allen and Unwin, 1948).

8. Vivekananda., *Complete Works* vol. III p. 111.

9. *Ibid* p. 114.

changed in changing contexts of time, place and social environment. In spite of the comprehensive character of *dharma*, in its most common connotation it was limited to two principal ideas, namely, the organization of social life through well-defined and well-regulated classes (*varnas*) and the organization of an individual's life within those classes into definite stages (*ashramas*). Thus in *varnasrama dharma*, the (ordained duties) of, the four classes and four stages of life are set-forth¹⁰

Varna Dharma and Jati Dharma

As noted above, *dharma* is practically limited to the duties of the various *jatis*. The first *varna* is the *Brahmana varna* consisting of innumerable *jatis*; the so called *Kshatriya varna* is not as ancient as the *Brahmanas*, since he who became the king was ordained a *Kshatriya* by the *Brahmana* right from the days of Mahāpadma Nanda in the fourth century B.C.¹¹ Panikkar further writes, "The *Vaisyas* are equally a theoretical generalization. The communities which follow trade and commerce as their hereditary profession claim *Vaisyahood*. As an integrated caste it, however, does not exist. So far as the *Sudras* are concerned, they have always been a miscellaneous group, the mass of the people within the Hindu pale, who did not have the *samskara* of the holy thread."¹² Thus, the term *varna dharma* really means the pursuit of hereditary occupation.

However, Manu gave *varna dharma* a very sacred character by following the *Purusha Sukta* of the *Rig Veda* (X:90,12) stating:

In order to protect the universe, He, the most resplendent one, assigned separate (duties and) occupations to those who sprang from his mouth, arms, thighs and feet. To *Brahmanas*, he assigned teaching and studying (the *Veda*), sacrificing for their own benefit and for others, the giving and accepting (of alms). The *Kshatriya*, he commanded to protect the people, to bestow gifts, to offer sacrifices, to study (the *Veda*), and to abstain from attaching himself to sensual pleasure; the *Vaisyas*, to tend cattle, to bestow gifts, to offer sacrifices, to study (the *Veda*) to trade, to lend money and to cultivate land. One occupa-

10. R. N. Dandekar., quoted in Wm. Theodore de Bary (ed), *Sources of Indian Traditions* (Delhi: Motilal Benarasidass, 1963), p. 218.

11. K. M. Panikkar, *Hindu Society at Crossroads*, (Bombay: Asia publishing House, 1967), pp. 31.

12. *Ibid* p. 32.

tion only the lord prescribed to the Sudra, to serve meekly even these (other) three *varnas* (Manu I:87-91).

It can easily be seen that the wealth producing groups, namely, agriculturists and craftsmen, were theoretically classified as *Vaisyas* but actually are classified as *Sudras* along with the illiterate and unskilled labourers.

Thus, *dharma*, according to this notion prevailing for more than two thousand years, pertains to the scrupulous pursuit of hereditary occupations; the study of the sacred books was considered one of the occupations. Furthermore, following a hereditary occupation is considered *dharma* while abandoning one's hereditary occupation is *adharma*, an unrighteous act. Thus the aim of *varna dharma* and *jati dharma* appeared to have as its goal an unchanging static society.

Svadharma

The *Gita* speaks of *svadharma* on a few occasions; Sankara begins his commentary on the *Gita* by stating that the *Gita* was composed "when discrimination was over-powered by grief and delusion that Arjuna, who had of himself been engaged in battle as the duty of *Kshatriya varna*, abstained from fighting and proposed to lead as *sanyasin's* life which was the duty of a different *varna* (that of a *Brahmana*)."¹³ Thus Sankara equates the concept of *svadharma* with *varna dharma*. If *svadharma* implies only *varna dharma*, then what is the meaning of the *svadharma*? On the other hand, Sri Aurobindo writes, "The right order of human life as of the universe is preserved according to the ancient Indian idea of each individual following faithfully this *svadharma*, the true law or norm of the nature".¹⁴ Thus *svadharma* means an individual finding his own *svabhava* and developing accordingly; the task of society is to help each individual grow according to his own potentiality. (*svabhava vihito dharmah*). This interpretation of the term *svadharma* contributes to both individual growth and social development. But interpreting *svadharma* as *varna dharma* leads only to a static society with each individual being merely a replica of the other individuals of his *jati* group. While *varna dharma* and *jati dharma* constrict the individual and check the free growth of his personality,

svadharma, the development of the personality based on the talents and aptitudes of the individual, contributes to the growth and development of his personality. A society which fosters the growth and development of its citizens cannot but expand and grow.

Sadharana Dharma.

From the time of *Upanishadas*, many thinkers have tried to list some qualities which constitute *manava dharma*, the *dharma* of all human beings irrespective of the distinctions of caste, creed, colour, wealth, and status. In its universal aspect, *dharma* means "contentment, forgiveness, self-control, abstention from unrighteously appropriating anything, (following the rules of) purification, disciplining of the organism, wisdom, knowledge, truthfulness and abstention from anger (form) the tenfold *dharma*" (Manu VI:92). Kautilya includes harmlessness, truthfulness, purity, freedom from spite, abstinence from cruelty and forgiveness as the essential constituents of the *dharma* common to all human beings (*Arthashastra*). Patañjali asserts that non-violence, truthfulness non-stealing, continence (*brahmacharya*) and non-receiving are the five *yamas* (*Yoga Sutra* II:30). One of the great tragedies of Hindu society is that hardly any emphasis is laid on these *sadharana dharmas* or *manava dharmas* which positively contribute to ethical life and social solidarity.

Dharma as Law.

According to Kautilya, "Dharma, evidence, custom and edicts of the king are the four legs of law. Of the four in order, the later is superior to the one previously mentioned" (*Arthashastra* III:1). The whole of the eighth chapter and parts of the ninth chapter of *Manu Dharmasastra* deal with purely legal problems, legal procedures, classification of offences, their punishment, and such matters. Law, as understood by the Hindu until 1956, is a branch of *dharma* enunciated in the *Dharmasastras*. *Dharma* includes legal as well as religious, moral, and social duties. According to ancient Indian tradition, law did not derive its sanction from any temporal power; the sanction was contained in the *dharma* itself. *Satapatha Brahmana* (XIV: 1,2,26) declared: "Since *dharma* is the king of kings, far more powerful and rigid than they, nothing can be higher than *dharma* (law) by whose aid, as by that of highest monarch, even the weak may prevail

13. Mahadeva Sastri's Translation, 1929, p. 22.

14. Sri Aurobindo., *The Spirit of Indian Poetry*, (Pondicherry: Sri Aurobindo Ashram), p. 30.

over the strong..." The Dharma Sastras laid down the most minute rules for the guidance of the king himself. It was his duty to uphold the law, although he himself was as much a subject of the law as any other citizen. The king was not the law-maker; he was only the enforcer.

Dharma as Justice

Manu declared: "Dharma when violated, verily, destroys; dharma when preserved, preserves; therefore dharma should not be violated, lest the violated dharma destroy us" (VIII:15). He continued: "Where dharma is destroyed by adharma, or truth by falsehood, while the judges look on, there they (the judges) shall also be destroyed" (VIII:14). In these passages it is declared that Dharma as justice sustains society; when injustice prevails, then the society as a whole will be destroyed. Society is preserved when justice is preserved, when the actions of each individual, in private and in public, are governed by a sense of justice, a sense of what is right and what is wrong, a sense of what is just and what is unjust, a sense of what is true and what is untrue. In these verses, Manu lays the foundations, of the concept of social justice. Unfortunately, it is a narrow identification of the concept of dharma with varna and jati, with privileges based on birth, which prevented the growth of the concept of social justice underlying these two verses of Manu. However, it must be recognized that Manu himself is responsible for this situation, since he was mainly responsible for narrowing the concept of Dharma and limiting it to varnasarama-dharma.

Dharma as Customary Morality

This aspect has already been touched. It may be said that the identification of custom with dharma has been responsible for the perpetuation of many antisocial and antihumanistic customs like untouchability, disfigurement of the widow, and the offering of animal sacrifices to appease the gods. Not following a custom was considered adharma, unrighteous conduct, sin.

Let us now briefly consider some of the characteristics of customary morality and its uses and limitations. In a tribal society as well as in an agricultural society, social cohesion and social continuity is based on the imposition of customs, the way in which most of the members of the groups have been acting since their known origins. Thus customs are the approved ways of acting

common to a group and handed down from generation to generation. If one behaves according to the customs, one is moral. Such behaviour is enforced by the public opinion, taboo, and even physical force. He who does not follow a custom is condemned; he may even be punished by excommunication. Furthermore, to violate a custom is impiety and sacrilege. Thus customary morality is based on love for the family members, respect for the elders, respect and fear of those in higher status, and awe of gods. It does work in tribal and peasant societies in which people live in small face-to-face groups. People in many villages are even today largely illiterate. Therefore, strict observance of customs promotes group solidarity and group cohesion. But it does not contribute either to individual growth or social development. This is why so many tribal and village people seem to have been living in a static society for such a long time.

Now, the chief difficulty arises when conforming to a custom is declared dharma while not conforming to a custom is declared adharma. This identification of dharma and custom narrows the concept of dharma. Today eighty percent of the Indian people live in small village. The entire life of the village people is governed by local customs. As a result, millions of Harijans who live there are treated as untouchables even though according to civil law the practice of untouchability is a crime and according to enlightened public opinion, the practice of untouchability is an inhuman custom which denies the worth and dignity of a human being. The same can be said of the inhibition of sending girls to school. Generally, the members of the lower classes follow the old custom of not sending girls to school. This, of course, affects the progress of the Indian society as a whole. Just few years ago the person who crossed the seas and went to a foreign country was excommunicated; he and his family were readmitted to the caste-fold only after he had undergone purification ceremonies. Going to a foreign country was considered as adharma. It is needless to give further illustrations of the many ways in which customs, which at one time may have been useful, now block individual growth and social development.

Yet it is just such an outlook which has been responsible for the dominance and all-pervasiveness of custom even today among the masses of people who cluster in rural areas and even in urban areas. Among the people, there seems always a confusion between custom, the way of the group, dharma, the moral law, and the constitutionally enacted legal codes. As a result, even today customs prevail over dharma and legal enactments.

There is hardly any public opinion in the rural areas which

opposes anti-social practices which violate law, democratic ideas, or humanitarian principles. In such a society with norms which give precedence to customs, mere enactments of laws and threats of punishment are of no avail. Customs prevail; as a result social and economic stagnation engulfs both man and society.

Dharma as Reflective Morality

Though the concept of *dharma* has been recognized as very subtle (*sukshma*) in the ancient books, it is declared that "one who, by his action, attitude, and speech, shows that he has always everybody else's well-being at his heart, and is also constantly engaged in the welfare of all others, can be said to have understood *dharma*" (*Santiparva* 261:9).

Manu asserts:

The three (kinds of evidence), perception, inference and testimony, which comprise the tradition of many schools must be fully understood by him who desires perfect correctness with respect to *dharma*. He alone, and no other man, knows the sacred law, who explores the (utterances) of the sages and the body of laws, by (modes of) reasoning... (Manu XII: 105-6)

Similarly, Brihaspati asserts: "No decision should be taken by mere resort to a (letter of the) *sastra*: for deliberations devoid of rational considerations will lead to results detrimental to *dharma*". And the Mahabharata exhorts that in determining *dharma* and *adharma* the learned man should rely upon intelligent understanding of the situation" (*Santiparva* 141-102).

These verses clearly show that the ancient Indian thinkers looked upon *dharma* as standing for reflective morality. A man has to think clearly and understand the principles involved and the social situation involved before deciding what is *dharma* and what is *adharma*. It is true that great reliance was placed on the *Smṛiti* texts. But since the different texts give different views, ultimately, as Brihaspati as well as Vyasa put it, one has to depend on a rational understanding of the social situation before coming to a decision regarding what is moral (*dharma*), and what is not moral (*adharma*). *Dharma* thus, is not merely tradition or custom, but also truth and reason. When a tradition comes into conflict with truth or reason, then it can hardly be called *dharma*. This stand-point stresses the importance of reason as a factor in the proper ordering of human affairs; however, it does recognize, that reason must be joined with the demands of truth and social well-being.

Dharma as Duty

Manu recognizes that every action of man is based on desire (II. 2-4). However, *Dharma* is prescribed for those persons who are not given to the acquisition of wealth and to the gratification of their desires (II:13). This is why Manu says: "A wise man should strive to restrain his organs which run wild among the alluring sensual objects, like a charioteer his horses" (II:88). Why should the wise man restrain his senses? Manu answers: "Desire is never extinguished by the enjoyment of desired objects; it only grows stronger like a fire (fed) with clarified butter". (II:94)

If all actions are prompted by desire, and if desire is never fulfilled by the enjoyment of desired objects, then what is the duty of man? What principles should guide his actions?

These questions are answered by the *Gita*. Actions should be performed without concern for the results. "To action alone thou hast a right and never at all to its fruits; let not the fruits of action be thy motive; neither let there be in thee any attachment to inaction... Do thy work abandoning attachment, with an even mind in success and failure, for evenness of mind is called Yoga" (II:47-48). Thus, it is not desire itself or the effort to attain that desire that is responsible for mental imbalance. Desiring and striving to attain desires are both inevitable in life. They upset one's mental equilibrium only if one is pre-occupied with the success or failure of one's efforts. Hope of success and fear of failure—these are the feelings which upset the stability of mind. So the solution of *Gita* is to do one's duty in a detached spirit. To do one's duty for the sake of duty is the ideal: "He whose undertakings are all free from the will of desire, whose works are burned up in the fire of wisdom, him the wise call a man of learning. Having abandoned attachment to the fruit of works, even content, without any kind of dependence, he does nothing though he is ever engaged in work" (IV: 19-20). Elsewhere the *Gita* asserts: "Therefore perform without attachment acts that should be performed" (III: 19). Further, "an action which is obligatory (*niyama*), which is performed without attachment (*sangarahitam*), without love or hate (*aragadveshatah*) by one undesirous of fruit (*aphala perpsuna*), that is said to be goodness (*sūttvikam uchyate*)" (XVIII:23). These verses of the *Gita* bring out the essence of the *Gita* doctrine of *nishkama karma*, the performance of duty in a totally disinterested way.

If duty be separated from its consequences, then what are the duties that we should perform? The *Gita* enunciates the principles of *svadharma* to guide actions (II:31; III:35; XVIII:47-48). Fulfil the duty, whatever it may be, that falls to your lot in society, in a disinterested way. Clearly, such *svadharma* is not *jatidharma*.

To perform one's duty, one has to be guided by *buddhi*, discrimination. "Those men who are devoted to enjoyment and power, whose minds are carried away by the words (of the *Veda* regarding *svarga*), their *buddhi* is not well established in the self (in concentration)" (*Gita* II:44). This is why the *Gita* asserts that a wise man is one who has no aversion to disagreeable action and no attachment to agreeable action (XVIII:10).

The *Gita* speaks of three kinds of *buddhi* (understanding, intelligence). *Sattvika buddhi* distinguishes between action and non-action, between what ought be done and what ought not to be done, between what is dangerous and what gives a sense of security, and between what causes bondage and what insures freedom. *Rajasa buddhi* consists in understanding incorrectly right and the wrong while *tamasa buddhi* consists in looking upon the right as wrong in a perverted way due to enveloping darkness (*Gita* XVIII: 29-32). Similarly there are three kinds of *dhriti*, steadiness. *Sattvika dhriti* is that by which one controls the activities of the mind and the senses, while the *rajasa dhriti* is that by which one holds fast to righteousness, pleasure and wealth whereas *tamasa dhriti* is that by which one lingers in sleep, fear, grief, depression and arrogance (*Gita* XVIII:33-35). These verses of the *Gita* clearly show that the activities of a man who is under the sway of bodily needs, emotions and social needs express his lower self while the man who controls his mind, senses and emotions by means of *buddhi* expresses his higher self. He is a man whose actions are truly self-determined, whose actions are governed by *dharma*.

The same view is expressed by Manu in a slightly different way; he says "the man who is free from envy...who carefully avoids all undertakings (the success of) which depends on others, while eagerly pursuing those (the accomplishment of) which depends on himself" is following *dharma*. Further, he says, "everything that depends on others (gives) pain, everything that depends on oneself (gives) pleasure; know that this is the short definition of pleasure and pain" (Manu IV:158-160).

A person who does his duty is one whose actions are guided by reason. As the *Gita* puts it "He whose undertakings are

all free from the will of desire, whose works are burned up in the fire of wisdom, him the wise call a man of learning" (IV:19). He is a person whose self is under control, who has a universality of outlook born of wisdom and so is free from selfish desire. This is why the *Gita* asserts "There is nothing on earth equal in purity to wisdom"=*na hi jnanana sadrsam* (IV:38).

Finally, according to the *Gita*, a man whose mind is disciplined rejoices in doing good to all creatures (V:25). Further, a man who restrains all the senses and is even-minded in all conditions rejoices in the welfare of all creatures (XII:4). Such a man is one who identifies his self with all beings (V:7). In these verses, the *Gita* has anticipated Kant's fundamental moral law. Act only on the maxim whereby thou canst at the same time will that it should become a universal law; so act as to treat humanity as an end and act with the attitude that thou art a member of a universal kingdom of ends.

Dharma as Conscience

As noted above, besides the *sruti*, *smriti* and *sadacara*, Manu spoke of *svasyaca priyamatmanah*, what is agreeable to one's conscience as the fourth source of *dharma* (II:12). Manu expresses the same four sources in II-6, where he uses the term *atmanah tushti*, satisfaction of the self for conscience. Elsewhere Manu says: "When the performance of an act gladdens his heart (that is, conscience), let him perform it with diligence; but let him avoid the opposite" (IV: 161). Finally, in another verse, Manu says "The soul itself is the witness of the soul, and the soul is the refuge of the soul; despise not thy own soul, the supreme witness of man" (VIII: 84). In these four verses Manu makes conscience the norm of determining whether or not an action manifests *dharma*.

As we have noted above, the higher caste people, particularly the Brahmin follow *Smriti* and *achara*, that is the scripture and custom. The lower caste people, who have no acquaintance with the *smritis*, follow only custom. The courts of law also followed the *smritis* and the customs to determine whether an action was legal or not. Only certain enlightened persons made the fourth source of *dharma*, conscience, their norm for action. This is the reason why in a society dominated by customary morality, by custom and prescription, conscience plays, but a minor role in determining whether an action is ethical or not.

On the other hand, a society which follows reflective morality lays emphasis on reason and conscience, on some definite principle. Social thinkers recognize only those actions which are guided by prescriptions (rules) and customs. When a man is guided by conscience, he becomes critical of rules and customs. Similarly when a society accepts conscience as the standard by which the actions of man should be guided, that society criticizes rules handed down by *smritis* and customs and rejects those which are not in agreement with conscience and with a sense of justice.

Śruti, *smṛiti* and *ācāra* are external sources of moral law or *dharma*. Conscience is an internal source of *dharma*. If one's conscience is pure and cultivated, one will know one's duty in the given situation. This is why Manu enjoins: "Perform only such actions as would satisfy your conscience. Avoid others" (IV: 161). Similarly Kautilya asserts *manah putam samecarat*, act in conformity with your conscience.

Those who are conscientious neither allow themselves to be swayed by their own bodily needs and emotions, nor do they follow customs of the group uncritically. They will have an objective outlook. They think of the quality of the act and view its consequences. They also use some standard to judge their own actions and will be ready to revise and improve the standard. So like the man who is guided by duty, the man who is guided by conscience, thinks about the situation which confronts him. He does not behave automatically on the basis of external standards like the prescriptions of the *smṛiti* or local customs. He deliberates and chooses a path or action according to his concept of duty or according to his conscience. His action is chosen by him; it is not dictated by an external source, whether it be the *śruti* or *smṛiti*, or *ācāra*, the custom. As a result there is nothing fixed and rigid guiding his behaviour. His behaviour is flexible; it is based on an intellectual assessment of the situation and on the principles of conduct accepted by him.

Yugadharma and Social Change

The term *sanātana dharma* refers to the eternal law or the divine law of God. But this does not imply that every human law is eternal and unchanging; this is clear from the Upanishadic thought itself which runs counter to the beliefs and practices embodied in the second part of the *Veda*, namely, the *Brahmanas*, those elaborate ritualistic treatises. According to the *Brahma-*

nas, the order of the universe was maintained by offering animal sacrifices. As a result *yajña*, offering sacrifice, became the duty of man. The *Mundaka Upanishad* (I:1-5) designates the four Vedas as inferior knowledge (*aparā vidyā*) and asserts that *yajñas* are like leaky boats and that the fools (*moodhah*) who acclaim this as the highest good fall again and into the domain of old age and death (I: 2-7). In the *Santi Parva* (78-32), Bhishma declares that what is *dharma* becomes *adharma* and what is *adharma* becomes *dharma* according to the conditions, demands and exigencies of time-and-place (*desa-kala*).

Manu declares "One set of *dharma*s are prescribed for men in the *Kṛita* age, a different one in the *Treta* and in the *Dvāpara* and (again) another (set) in the *Kālī*" (I: 85). Further Manu has asserted: "One should abandon what was (once) *dharma*, if it ends in unhappiness or if it has become hateful to the people" (IV: 176).

Thus the concept of *dharma*, according to the ancient Indians has two aspects:

(a) The aspect of ordering life according to certain cherished values, *sanātana dharma* and (b) an adaptability according to the needs of the times, *yugadharma*. As Manu has asserted, it is necessary to abandon what was once looked upon as *dharma*, if it becomes hateful to the people (IV: 176). So long as a prescription or custom is accepted by people, it can operate; but when it is resented or thought unjust, it must be abandoned. This is clear from the ancient Indian concept of *Kalivarjya*, the acts forbidden in the *Kālī* age. Such customs were in accord with *dharma* in the earlier ages but were forbidden by the *Smritis* later on. Among the acts forbidden in the *Kālī* age are the following:

1) *Niyoga*: According to Manu "On failure of issue (by her husband) a woman who has been authorized, may obtain, (in the proper (manner prescribed), the desired offspring by (cohabitation) a brother-in-law or (with some other) *Sapinda* (of the husband)" (IX:59). In verses 60-66, Manu gives the rules regarding *Niyoga*. However, Manu reports "Since that (time), the virtuous censure that (man) who in his folly appoints a woman whose husband died, to (bear) children (to another man)". It may be recalled that Kunti and Madri brought forth the famous Pandavas through this system. It is clear from the *Manu Smṛiti* that this practice was in vogue but condemned by some and so after a while abandoned completely. (2) *Pratiloma* and *Anuloma marriages*. While Manu recommends that the first marriage of a man should be within the same *varṇa*, a man could marry women

from other *varnas* below his own (III: 12-13). He warns that twice-born men who, in their folly, wed wives of the low (*Sudra*) *varna*, soon degrade their families and their children to the state of *Sudras* (III: 15). He strictly forbids marriage between women of higher *varnas* and men of lower *varnas* (X: 11-12). Both these forms of marriage which were in practice in early ages became strictly forbidden and only marriage within the *jati* became righteous. (3) **Eight forms of marriage** are enumerated in *Dharma Sastras* (Manu III 21) but gradually only one form of marriage, *kanyadhana* became the rule. (4) **Sraddha offerings**—Manu gives details of the various types of meats which could be offered to the ancestors and how long each type of meat gives satisfaction to the dead ancestors. (III:267-262). But Manu ends up by stating: "Whatever (a man), full of faith, duly gives according to the prescribed rule, that becomes in the other world a perpetual and imperishable (gratification) for the manes". (II:275) It may be mentioned that Kane devotes nearly seventy five pages to describe the various customs which were approved in the earlier ages but which became forbidden later during *Kalivarjya* (vol. III. pp. 885-969).

When Mahadev Govinda Ranade, the founder of Social Reform Conference, was asked by orthodox people what old customs should be revived, he is reported to have asked pungently: "What shall we revive? Shall we revive the old habits of our people when the most sacred of our castes indulged in all the abominations, as we understand them, of animal food and intoxicating drink?... Shall we revive the eight forms of marriage?..." The foregoing description clearly shows that right through the ages, changes in customs and prescriptions have taken place in response to changes in social conditions. As Bhishma has put it, what was *dharma* in an earlier age has become *adharma* in a later age when social situation changed. "However" as Prabhu writes, "there was hardly anything ever done by way of deliberative, thoughtful, and careful analysis of conditions and circumstances facing society at that given time, with a view to rethinking and discovering the directions and aspects in which *dharma* prescriptions need to be revived, modified or discarded. This had resulted in the decadence of our social organization".¹⁵

Critical thinking regarding the old prescriptions of *dharma* and the old customs started in India probably with Ram Mohan Roy in the first decade of 19th century and found fruition in

15. M. G. Ranade, *Speeches and Writings*, (Madras: G. A. Natesan), pp. 345.

lectures and writings of Mahatma Gandhi and eventually became embodied in the constitution of India adopted in 1950.

Two obstacles to clear thinking.

Our analysis of the concept of *dharma* has shown that throughout the ages there have been four principal obstacles to clear thinking regarding the problem, namely, the dominating influence of tradition, which accepted the prescriptive rules of the *dharma sastras* as immutable though in fact there have been changes all along in response to prevailing social conditions, and the dominating influence of a metaphysical assumption regarding the essential nature of man and his destiny.

It can be concluded that the *Dharmasastras* do not make any detailed analysis of the principles of ethics or of moral standards. They do not even attempt to analyze the concepts of duty, happiness or perfection. Another depressing feature of the *Dharmasastra* is their insensitivity to social wrongs. They are concerned more with the duties of the *dvija* men who at any given time constituted only a microscopic minority of the population, while they hardly take any note of the social conditions of the vast masses who constitute the *Sudra varna*. As a result, the concepts of human brotherhood and social justice have hardly any place in the *Dharmasastras*. Professor Devaraja explains:

The central weakness of the Indian cultural system is its adherence to the institution of *case*, which has prevented the system from giving practical expression to its theoretically dominant philosophy of monistic Idealism.¹⁶

Because of their emphasis on prescriptive rules and customs, the *smritikars* did not carefully analyze basic ethical concepts. As a result, *Dharma* became a system of injunction and prohibition in order to ensure the harmonious functioning of the various elements in the life of the community. This inevitably led to a static *status quo* rather than to *abhyudaya*, social development.

It is somewhat of a paradox to read the assertion of Manu regarding monistic idealism at the end of the *Manusmriti*. After giving details regarding status differences based on *varnas*, *jati* and *linga*, that is, caste and sex, he ends up by stating: "He who thus recognizes the self through the self in all created beings, be-

16. N. K. Devaraja, *Mind and Spirit of India*, (Delhi: Motilal Banarsidass, 1967).

comes equal-minded towards all, and enters the highest state, Brahman" (XII:125). Why is it that there is no practical application of this principle which acknowledges that the self in every human being is an expression of the universal self? Is this simply empty theory?

The reason for this is that the metaphysical concept of *Atman* and *Brahman* and the problem of liberation (*moksha*) became the dominant preoccupation of the philosophers. As a result, *nishreyas* (liberation of self) rather than *abhyudaya* (social development) became their chief concern; that is, the thinkers were preoccupied more with the problem of liberation of the individual than with the development of society as a whole.

When a man liberates himself from the bondage of *dharma*, he goes beyond the limitations of ordinary consciousness. When he achieves this consciousness, "the moral agent shakes off all notions of right and wrong, good and bad; he has attained the state of divine after having realized the golden-coloured being who is the lord or governor of all" (*Mundaka Upanishad* III: 1-3). The *Katha Upanishad* asserts, "the Absolute is beyond duty and non-duty, beyond action and inaction, beyond past, present and future" (I.ii.14). As Balbir Singh remarks, "Obviously this kind of absolute goodness cannot constitute the subject matter of ethics".¹⁷

Caught between prescriptions on the one hand and metaphysical speculations on the other, the ancient Indian thinkers did not sufficiently focus on ethics. Group preservation and self-liberation became their dominant interests; these interests prevented them from carefully analyzing the social consequences of *varna dharma* and the actual way in which *asrama dharma* operated in society.

It is all too obvious that it is now necessary to discuss the problems of ethics, since all efforts to bring about "the socialistic pattern of society" have failed. It is necessary to study the prevailing social traditions in order to find out why customs prevail today even though they are repugnant to the fundamental rights guaranteed by the Constitution of the nation.

Our analysis of the concept of *dharma* has shown that there are certain aspects of ancient thought which are really conducive to social change. It is now necessary to emphasize them so that a change in the attitude of people may result.

17. Balbir, Singh, *Foundation of Indian Philosophy*, (New Delhi; Orient Longman. 1971), pp. 34.